

EEOC Form 212-A (3/98)

U. S. Equal Employment Opportunity Commission

TO: US EEOC, JCK Federal Building, 230 S. Dearborn
Suite 1866 (Enforcement, State and Local & Hearings)
 Suite 2920 (Legal & ADR)
 Chicago, IL 60604
 Chicago Direct Dial: (312) 872-9777
 Enforcement/File Disclosure Fax: (312) 588-1260
 Website: www.eeoc.gov

Date: December 13, 2019
 EEOC Charge No.:
 FEPA Charge No.: 2020CA1145

CHARGE TRANSMITTAL

SUBJECT:

MICHELLE L. TURNEY

v.

**POLICEMAN'S ANNUITY & BENEFIT
FUND***Charging Party**Respondent*

Transmitted herewith is a charge of employment discrimination initially received by the :

☐ EEOC☒

Illinois Dept. of Human Rights

Name of FEPA☐

Pursuant to the worksharing agreement, this charge is to be initially investigated by the EEOC.

☒

Pursuant to the worksharing agreement, this charge is to be initially investigated by the FEPA.

☐

The worksharing agreement does not determine which agency is to initially investigate the charge.

☐

EEOC Requests a waiver

☐

FEPA waives

☐

No waiver requested

☐

FEPA will investigate the charge initially

*Please complete the bottom portion of this form to acknowledge the receipt of the charge
 and, where appropriate, to indicate whether the Agency will initially investigate the charge.*

Typed name of EEOC or FEPA Official

James L. Bennett, Director

Signature/Initials

James L. Bennett

MICHELLE L. TURNEY

v.

**POLICEMAN'S ANNUITY & BENEFIT
FUND***Charging Party**Respondent*

TO WHOM IT MAY CONCERN:

☐

This will acknowledge receipt of the referenced charge and indicate this Agency's intention to initially investigate the charge.

☐

This will acknowledge receipt of the referenced charge and indicate this Agency's intention not to initially investigate the charge.

☐

This will acknowledge receipt of the referenced charge and request a waiver of initial investigation by the receiving agency..

☐

This will acknowledge receipt of the referenced charge and indicate this Agency's intention to dismiss/close/not docket the charge for the following reasons:

Typed Name of EEOC or FEPA Official

Julianne Bowman, District Director

Signature/Initials

Julianne Bowman

TO: Illinois Department Of Human Rights
 100 West Randolph Street
 Floor 10-100
 Chicago, IL 60601

Date: December 13, 2019
 EEOC Charge No.:
 FEPA Charge No.: 2020CA1145

EEOC FORM 131-A (5/01)

U.S. Equal Employment Opportunity Commission

<p>MICHELLE L. TURNEY</p> <p>Versus</p> <p>POLICEMAN'S ANNUITY & BENEFIT FUND</p>	PERSON FILING CHARGE
	MICHELLE L. TURNEY
	THIS PERSON (check one or both)
	<input checked="" type="checkbox"/> Claims To Be Aggrieved <input type="checkbox"/> Is Filing on Behalf of Other(s)
EEOC CHARGE NO.:	
FEPA CHARGE NO.: 2020CA1145	

NOTICE OF CHARGE DISCRIMINATION IN JURISDICTION WHERE A FEP AGENCY WILL INITIALLY PROCESS
 (See the enclosed for additional information)

THIS IS A NOTICE THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- | | |
|--|---|
| <input checked="" type="checkbox"/> Title VII of the Civil Rights Act | <input checked="" type="checkbox"/> The Americans with Disabilities Act |
| <input checked="" type="checkbox"/> The Age Discrimination in Employment Act | <input type="checkbox"/> The Equal Pay Act |

HAS BEEN RECEIVED BY

- ☐ The EEOC and sent for initial processing to _____ (FEP AGENCY)
- ☒ The _____ Illinois Department of Human Rights and sent to EEOC for filing purposes.
 (FEP Agency)

While EEOC has jurisdiction (upon expiration of any deferral requirement if this is a Title VII or ADA charge) to investigate this charge, EEOC may suspend its investigation and await the issuance of the Agency's final findings and orders. These findings and orders will be given weight by EEOC in making its own determination as to whether reasonable cause exists to believe that discrimination has occurred.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency will be considered by EEOC when it reviews the Agency's final findings and orders. In many cases EEOC will take no further action, thereby avoiding the necessity of an investigation by both the Agency and EEOC. This likelihood is increased by your active cooperation with the agency.

As a party to the charge, you may request that EEOC review the final findings and orders of the above-named agency. For such a request to be honored, you must notify EEOC in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by EEOC. Regardless of whether the Agency or EEOC processes the charge, the Recordkeeping and Non-Retaliation provisions of the statutes as explained in the enclosed information sheet apply.

For further correspondence on this matter, please use the charge number(s) shown above.

Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

- ☐ RACE
 ☐ COLOR
 ☒ SEX
 ☐ RELIGION
 ☐ NATIONAL ORIGIN
 ☒ AGE
 ☒ DISABILITY
 ☒ RETALIATION
 ☐ OTHER

See enclosed copy of charge of discrimination

Date	Name/Title of Authorized Official	Signature
December 13, 2019	Julianne Bowman, District Director	<i>Julianne Bowman</i>

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

20M0812.03

AGENCY☒ IDHR☐ EEOC**CHARGE NUMBER**

2020CA1145

Illinois Department of Human Rights and EEOC

NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.)

Michelle L. Turney

TELEPHONE NUMBER (include area code)

[REDACTED]

STREET ADDRESS

[REDACTED]

CITY, STATE AND ZIP CODE

[REDACTED]

DATE OF BIRTH

[REDACTED] 1971

MM / DD / YYYY

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME OF RESPONDENT

Policeman's Annuity & Benefit Fund

NUMBER OF
EMPLOYEES,
MEMBERS 15+

TELEPHONE NUMBER (include area

(312) 744-3891

STREET ADDRESS

221 N. LaSalle Street, Suite 1626

CITY, STATE AND ZIP CODE

Chicago, Illinois 60601

COUNTY

Cook

CAUSE OF DISCRIMINATION BASED ON:

Age Sex Disability Retaliation

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)

1/1/19 8/1/19

☐ CONTINUING ACTION

THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:

SEE ATTACHEDIDHR INTAKE
DEC 23 '19 PM 12:23
Pa

Page 1 of 3

MFP

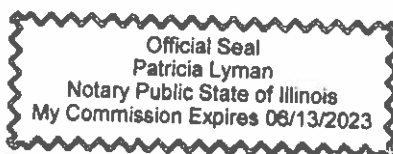
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 23 DAY OF December, 2019

X

NOTARY SIGNATURE



NOTARY STAMP

X Michelle L. Turney 23 Dec 19
SIGNATURE OF COMPLAINANT DATE

FKA GUBALA

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

Charge Number: 2020CA1145
Complainant: Michelle L. Turney
Page 2 of 3

- I. A. ISSUE/BASIS**
HARASSMENT – JANUARY 1, 2019 THROUGH AUGUST 29, 2019,
BECAUSE OF MY AGE, 48
- B. PRIMA FACIE ALLEGATIONS**
- 1. My age was 48 at the time of this harm.**
 - 2. I am a permanently disabled Chicago police Sergeant.**
 - 3. From about January 1, 2019 through August 29, 2019, I have been harassed by Respondent. Respondent's Board is constantly scheduling me for a hearing to determine my eligibility for disability benefits.**
 - 4. The harassment has created a hostile and offensive environment.**
 - 5. Similarly situated employees who are permanently disabled under the age of 40 or significantly younger than me applying for benefits were treated more favorably.**
- II. A. ISSUE/BASIS**
HARASSMENT – JANUARY 1, 2019 THROUGH AUGUST 29, 2019,
BECAUSE OF MY SEX, FEMALE
- B. PRIMA FACIE ALLEGATIONS**
- 1. My sex is female.**
 - 2. I am a permanently disabled Chicago police Sergeant.**
 - 3. From about January 1, 2019 through August 29, 2019, I have been harassed by Respondent. Respondent's Board is constantly scheduling me for a hearing to determine my eligibility for disability benefits.**
 - 4. The harassment has created a hostile and offensive environment.**
 - 5. Similarly situated male employees who are permanently disabled applying for benefits were treated more favorably.**
- III. A. ISSUE/BASIS**
HARASSMENT – JANUARY 1, 2019 THROUGH AUGUST 29, 2019,
BECAUSE OF MY DISABILITY, NERVE DAMAGE TO WRIST AND ELBOW
- B. PRIMA FACIE ALLEGATIONS**
- 1. I am an individual with a disability within the meaning of Section I-103 (I) of the Human Rights Act.**

Charge Number: 2020CA1145
Complainant: Michelle L. Turney
Page 3 of 3

2. Respondent is aware of my disability.
3. From about January 1, 2019 through August 29, 2019, I have been harassed by Respondent. Respondent's Board is constantly scheduling me for a hearing to determine my eligibility for disability benefits.
4. The harassment has created a hostile and offensive environment.
5. My disability is unrelated to my ability to perform the essential functions of my job with or without reasonable accommodation.

IV. A. ISSUE/BASIS
HARASSMENT – JANUARY 1., 2019 THROUGH AUGUST 29, 2019, IN
RETALIATION FOR COMPLAINING ABOUT DISCRIMINATION

B. PRIMA FACIE ALLEGATIONS

1. In 2014, I engaged in a protected activity when I accused a pension board member of harassing me during hearings regarding my eligibility for disability benefits.
2. From about January 1, 2019 through August 29, 2019, I have been harassed by Respondent. Respondent's Board is constantly scheduling me for a hearing to determine my eligibility for benefits.
3. The negative action followed my protected activity within such a period of time as to raise an inference of retaliatory motivation.

EEOC FORM 131-A (5/01)

U.S. Equal Employment Opportunity Commission

MICHELLE L TURNEY Versus POLICEMAN'S ANNUITY & BENEFIT FUND	PERSON FILING CHARGE
	MICHELLE L TURNEY
	THIS PERSON (check one or both)
	<input checked="" type="checkbox"/> Claims To Be Aggrieved <input type="checkbox"/> Is Filing on Behalf of Other(s)
EEOC CHARGE NO.: 21BA90414	
FEPA CHARGE NO.: 2020CA1145	

NOTICE OF CHARGE DISCRIMINATION IN JURISDICTION WHERE A FEP AGENCY WILL INITIALLY PROCESS
(See the enclosed for additional information)

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|--|---|
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| <input checked="" type="checkbox"/> The Age Discrimination in Employment Act | <input type="checkbox"/> The Equal Pay Act |

HAS BEEN RECEIVED BY

- ☐ The EEOC and sent for initial processing to _____ (FEP AGENCY)
- ☒ The _____ Illinois Department of Human Rights and sent to EEOC for filing purposes.
(FEP Agency)

While EEOC has jurisdiction (upon expiration of any deferral requirement if this is a Title VII or ADA charge) to investigate this charge, EEOC may suspend its investigation and await the issuance of the Agency's final findings and orders. These findings and orders will be given weight by EEOC in making its own determination as to whether reasonable cause exists to believe that discrimination has occurred.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency will be considered by EEOC when it reviews the Agency's final findings and orders. In many cases EEOC will take no further action, thereby avoiding the necessity of an investigation by both the Agency and EEOC. This likelihood is increased by your active cooperation with the agency.

As a party to the charge, you may request that EEOC review the final findings and orders of the above-named agency. For such a request to be honored, you must notify EEOC in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by EEOC. Regardless of whether the Agency or EEOC processes the charge, the Recordkeeping and Non-Retaliation provisions of the statutes as explained in the enclosed information sheet apply.

For further correspondence on this matter, please use the charge number(s) shown above.

Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

- ☐ RACE
☐ COLOR
☒ SEX
☐ RELIGION
☐ NATIONAL ORIGIN
☒ AGE
☒ DISABILITY
☒ RETALIATION
☐ OTHER

See enclosed copy of charge of discrimination

Date	Name/Title of Authorized Official	Signature
December 26, 2019	Julianne Bowman, District Director	<i>Julianne Bowman</i>

EEOC Form 212-A (3/98)

U. S. Equal Employment Opportunity Commission

TO: US EEOC, JCK Federal Building, 230 S. Dearborn
Suite 1866 (Enforcement, State and Local & Hearings)
 Suite 2920 (Legal & ADR)
 Chicago, IL 60604
 Chicago Direct Dial: (312) 872-9777
 Enforcement/File Disclosure Fax: (312) 588-1260
 Website: www.eeoc.gov

Date: December 26, 2019
 EEOC Charge No.: 21BA90414
 FEPA Charge No.: 2020CA1145

CHARGE TRANSMITTAL

SUBJECT:

MICHELLE L TURNEY*Charging Party*

v.

**POLICEMAN'S ANNUITY & BENEFIT
FUND***Respondent*

Transmitted herewith is a charge of employment discrimination initially received by the:

☐ EEOC☒

Illinois Dept. of Human Rights

Name of FEPA☐

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FEPA waives

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No waiver requested

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*Please complete the bottom portion of this form to acknowledge the receipt of the charge
 and, where appropriate, to indicate whether the Agency will initially investigate the charge.*

Typed name of EEOC or FEPA Official

James L. Bennett, Director

Signature/Initials

James L. Bennett

MICHELLE L TURNEY*Charging Party*

v.

**POLICEMAN'S ANNUITY & BENEFIT
FUND***Respondent*

TO WHOM IT MAY CONCERN:

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This will acknowledge receipt of the referenced charge and request a waiver of initial investigation by the receiving agency..

☐

This will acknowledge receipt of the referenced charge and indicate this Agency's intention to dismiss/close/not docket the charge for the following reasons:

Typed Name of EEOC or FEPA Official

Julianne Bowman, District Director

Signature/Initials

Julianne Bowman

TO: Illinois Department Of Human Rights
 100 West Randolph Street
 Floor 10-100
 Chicago, IL 60601

Date: December 26, 2019
 EEOC Charge No.: 21BA90414
 FEPA Charge No.: 2020CA1145

U.S. Equal Employment Opportunity Commission

**Notification & Acknowledgement
of Dual-Filed Charge**

(This Notice replaces EEOC FORM 212-A)

DIGITAL CHARGE SYSTEM

12/31/2019

EEOC Number: 21B-2020-00414C

FEPA Number: 2020CA1145

This is notice that a charge of employment discrimination, Michelle L Turney v. POLICEMANS ANNUITY AND BE was initially received by Illinois Department Of Human Rights on 12/26/2019, and will be dual-filed with Chicago District Office.

Pursuant to the work sharing agreement, the Illinois Department Of Human Rights will Investigate Charge.

The Chicago District Office acknowledges receipt of the referenced charge, Michelle L Turney v. POLICEMANS ANNUITY AND BE, and intends to Defer Investigation.

Issued by:

Lavois T Stepney, R1
Illinois Department Of Human Rights

Date:

12/31/2019

Acknowledged by:

John W Adams, S7
Chicago District Office

Date:

12/31/2019

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss

CHARGE NO. 2020CA1145

AFFIDAVIT OF SERVICE

Benetta Davies , deposes and states that s/he served a copy of the attached **NOTICE OF DISMISSAL FOR LACK OF JURISDICTION** on each person named below by depositing the same on June 4, 2020 , in the U.S. Mail Box at 100 West Randolph Street, Chicago, Illinois, properly posted for FIRST CLASS MAIL, addresses as follows:

For Complainant

Michelle L. Turney
[REDACTED]

For Respondent

Justin B. Kugler
Policemen's Annuity and
Benefit Fund at Chicago
221 N. LaSalle Street
Suite 1626
Chicago, IL 60601

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.


Benetta Davies

PLEASE NOTE:

The above-signed person is responsible only for mailing these documents. If you wish a review of the findings in this case, you must complete the Request for Review form attached. Department of Human Rights' staff are not permitted to discuss the investigation findings once a Notice of Dismissal has been issued.

**STATE OF ILLINOIS
DEPARTMENT OF HUMAN RIGHTS**

IN THE MATTER OF:

MICHELLE L. TURNEY,

COMPLAINANT,

AND

POLICEMAN'S ANNUITY & BENEFIT
FUND,

RESPONDENT.

)
)
)
) CHARGE NO. 2020CA1145
) EEOC NO. 21BA00414
)
)
)
)
)
)

**NOTICE OF DISMISSAL
FOR LACK OF JURISDICTION**

For Complainant

Michelle L. Turney


For Respondent

Justin B. Kugler
Policemen's Annuity and
Benefit Fund at Chicago
221 N. LaSalle Street
Suite 1626
Chicago, IL 60601

DATE OF DISMISSAL: June 4, 2020

1. YOU ARE HEREBY NOTIFIED that based upon the enclosed investigation report, the DEPARTMENT OF HUMAN RIGHTS (Department) has determined that there is NOT jurisdiction to pursue the allegation(s) of the charge. Accordingly, pursuant to Section 7A-102(D) of the Act (775 ILCS 5/3-101 et seq.) and the Department's Rules and Regulations (56 Ill. Adm. Code. Chapter II, §2520.560) the charge is HEREBY DISMISSED.
2. If Complainant disagrees with this action, Complainant may:
 - a) Seek review of this dismissal before the Illinois Human Rights Commission (Commission), 100 West Randolph Street, Suite 5-100, Chicago, Illinois, 60601, by filing a "Request for Review" with the Commission by the request for review filing date below. Respondent will be notified by the Commission if a Request for Review is filed.

REQUEST FOR REVIEW FILING DEADLINE DATE: September 8, 2020

Or, Complainant may:

- b) Commence a civil action in the appropriate state circuit court within ninety (90) days after receipt of this Notice. A complaint should be filed in the Circuit court in the county where the civil rights violation was allegedly committed.

Page 2

**Notice of Dismissal for Lack of Jurisdiction
Charge No. 2020CA1145**

If you intend to exhaust your State remedies, please notify the Equal Employment Opportunity Commission (EEOC) immediately. The EEOC generally adopts the Department's findings. The Appellate Courts in Watkins v. Office of the State Public Defender, ___ Ill.App.3d ___, 976 N.E.2d 387 (1st Dist. 2012) and Lynch v. Department of Transportation, ___ Ill.App.3d ___, 979 N.E.2d 113 (4th Dist. 2012), have held that discrimination complaints brought under the Illinois Human Rights Act ("IHRA") against the State of Illinois in the Illinois Circuit Court are barred by the State Lawsuit Immunity Act. (745 ILCS 5/1 et seq.). Complainants are encouraged to consult with an attorney prior to commencing a civil action in the Circuit Court against the State of Illinois.

PLEASE NOTE: The Department cannot provide any legal advice or assistance. Please contact legal counsel, your city clerk, or your county clerk with any questions.

3. If an EEOC charge number is cited above, this charge was also filed with the Equal Employment Opportunity Commission (EEOC). If this charge alleges a violation under Title VII of the Civil Rights Act of 1964, as amended, or the Age Discrimination in Employment Act of 1967, Complainant has the right to request EEOC to perform a Substantial Weight Review of this dismissal. Please note that in order to receive such a review by the EEOC, it must be requested in writing to EEOC within fifteen (15) days of the receipt of this notice. However, if Complainant chooses to file a timely "Request for Review" of this dismissal with the Illinois Human Rights Commission, then Complainant must wait until receipt of a **final** notice/order by the Commission before requesting a Substantial Weight Review by the EEOC. Complainant must make a written request for Substantial Weight Review by the EEOC within fifteen (15) days of the receipt of the Human Rights Commission's **final** notice/order. Any request filed prior to your receipt of a final notice/order WILL NOT BE HONORED. Send your request for a Substantial Weight Review to **EEOC, John C. Kluczynski Federal Building, 230 South Dearborn Street, Suite 1866, Chicago, Illinois 60604**. Otherwise, EEOC will generally adopt the Department of Human Rights' action in this case.

DEPARTMENT OF HUMAN RIGHTS
James L. Bennett
Director

**STATE OF ILLINOIS
DEPARTMENT OF HUMAN RIGHTS
INVESTIGATION REPORT**

Complainant: Michelle L. Turney

Respondent: Policeman's Annuity & Benefit Fund

IDHR No.: 2020CA1145

EEOC No.: 21BA00414

Investigator: MMT

Supervisor: CBD/CD

Date: May 27, 2020

Issue/Basis:

- A. Harassment/Age, 48¹
- B. Harassment/Sex, female
- C. Harassment/Disability, nerve damage-wrist/elbow
- D. Harassment/Retaliation

Finding:

- A. Lack of Jurisdiction
- B. Lack of Jurisdiction
- C. Lack of Jurisdiction
- D. Lack of Jurisdiction

Jurisdiction:

Alleged violations:

- A. January 1, 2019 – August 29, 2019
- B. January 1, 2019 – August 29, 2019
- C. January 1, 2019 – August 29, 2019
- D. January 1, 2019 – August 29, 2019

Charge filed:

August 8, 2019

Charge perfected:

December 26, 2019

Amendments:

None

Number of employees:

0

Verified Response:

Note: Pursuant to Public Act 100-0492, a Verified Response ("VR") is not required for a charge filed on or after September 8, 2017.

Findings-Count A, B, and C:

On August 8, 2019, Complainant filed the Instant Charge alleging that from January 1, 2019 through August 29, 2019, Respondent, Policeman's Annuity & Benefit Fund, harassed her because of her age, 48 (**Count A**), her sex, female (**Count B**), her disability, nerve damage to wrist and elbow (**Count C**), and in retaliation for complaining about discrimination (**Count D**).

Section 2-101(A)(1)(a) of the Illinois Human Rights Act ("ACT") defines an employee as individual performs services for numeration within the State for an employer.

Section 2-101(B)(1)(a) of the ACT defines an employer as any person employing 15 or more persons during 20 or more weeks of the calendar year of or preceding the alleged violation.

¹ As of August 29, 2019, Complainant was age, 48 based on a Date of Birth ("DOB") of [REDACTED] 1971.

Charge No. 2020CA1145
Page 2 of 2

Section 2-101(B)(1)(b) of the ACT defines an employer as any person employing one or more employees when a complainant alleges civil rights violation due to unlawful discrimination based upon his or her physical or mental disability unrelated to ability or sexual harassment.

Complainant's Response to the Department's Questionnaire (**Exhibit A**) indicates that Complainant identifies two (2) Respondent's, City of Chicago Police Benefit and Annuity Fund ("the Fund") and City of Chicago Police Department ("CPD"). The document further indicates that Complainant was hired by CPD on November 4, 1996.

Complainant's August 1, 2019 Notice of Hearing (**Exhibit B**) indicates that a hearing before the board may be commenced by either, i) an application filed by a Chicago Police Department Officer who seeks to obtain benefits; ii) The Board's setting of a disability status review; or iii) other Board set proceedings to determine benefit issues relating to but not limited to the granting, denying or modification of benefits. The document indicates that Complainant is a CPD Officer and thus employed by CPD.

The evidence shows that Respondent is not the proper employer to have been named in the charge. Therefore, a finding of Lack of Jurisdiction is recommended for the Department and for the Equal Employment Opportunity Commission ("EEOC"). Additionally, the Instant Charge filed by Complainant on August 8, 2019, indicates that dates of harm as January 1, 2019, through August 29, 2019. Complainant is to appear before Respondent on August 29, 2019. Therefore, Complainant cannot establish that a civil rights violation has yet occurred.

Exhibits:

- A. Complainant's Response to the Department's Questionnaire.
- B. Complainant's August 1, 2019 Notice of Hearing.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Michelle L. Turney

From: Chicago District Office
230 S. Dearborn
Suite 1866
Chicago, IL 60604On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2020-00414

Daniel Lim,
State & Local Coordinator

(312) 872-9669

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman/jwa

2/26/2021

Enclosures(s)

Julianne Bowman,
District Director

(Date Issued)

cc:

POLICEMANS ANNUITY AND BENEFIT FUND
c/o Justin B. Kugler, Esq.
Fund Counsel
221 N. LaSalle Street, Suite 1626
Chicago, IL 60601



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison Street, Suite 2000
Chicago, IL 60661
PH: (312) 869-8000
Chicago TTY (312) 869-8001
Enforcement Fax: (312) 869-8220
Legal Fax: (312) 869-8124

May 11, 2021

Michelle L. Turney
[REDACTED]

Re: Michelle L. Turney v. POLICEMANS ANNUITY AND BENEFIT FUND
EEOC Charge Number: 21B-2020-00414

Dear Ms. Turney:

This letter serves to rescind the EEOC Form 161 Dismissal and Notice of Rights dated **February 26, 2021**, due to a clerical error.

The Dismissal and Notice of Rights letter of February 26th noted erroneously that “The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute.” We should have noted that “The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.”

Consequently, EEOC is rescinding that Dismissal and Notice of Rights and re-issuing a new Dismissal letter dated today.

If you have any further questions, please feel free to contact Daniel L. Lim, State, Local and Tribal Coordinator, at (312) 872-9669. We apologize for any inconvenience.

Sincerely,

Julianne Bowman/jwa

Julianne Bowman
District Director
Chicago District Office

Encl:
cc:

POLICEMANS ANNUITY AND BENEFIT FUND
c/o Justin B. Kugler, Esq.
Fund Counsel
221 N. LaSalle Street, Suite 1626
Chicago, IL 60601

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Michelle L. Turney

From: Chicago District Office
230 S. Dearborn
Suite 1866
Chicago, IL 60604☐On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2020-00414

Daniel Lim,
State & Local Coordinator

(312) 872-9669

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman/jwa

5/11/2021

Enclosures(s)

Julianne Bowman,
District Director

(Date Issued)

cc:

POLICEMANS ANNUITY AND BENEFIT FUND
c/o Justin B. Kugler, Esq.
Fund Counsel
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